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103D CONGRESS
1ST SESSION

S. 1454

To amend the Public Health Service Act with respect to research on breast cancer.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14 (legislative day, SEPTEMBER 7), 1993

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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A BILL

To amend the Public Health Service Act with respect to research on breast cancer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Breast Cancer Strategy Act of 1993".

TITLE I—ESTABLISHMENT OF OFFICE OF BREAST CANCER AND NATIONAL BREAST CANCER COMMISSION

SEC. 101. OFFICE OF BREAST CANCER.

Title XVII of the Public Health Service Act (42 U.S.C. 300uu et seq.) is amended by adding at the end the following new section:

"SEC. 1709. ESTABLISHMENT OF OFFICE OF BREAST CANCER.

"(a) IN GENERAL.—There is established an Office of Breast Cancer within the Office of the Assistant Secretary for Health. The Office shall have a Director who shall be appointed by the Secretary. The Secretary, acting through the Director, shall carry out this section.

"(b) DUTIES.—The Secretary shall coordinate, in conjunction with the Director of the National Cancer Institute, the activities of the Institute relating to breast cancer with similar activities of other agencies of the Federal Government, including the other agencies of the National Institutes of Health, and with similar activities of other public entities and of private entities.".

SEC. 102. ESTABLISHMENT OF NATIONAL BREAST CANCER COMMISSION.

Title XVII of the Public Health Service Act (42 U.S.C. 300uu et seq.), as amended by section 101, is amended by adding at the end the following new section:

"SEC. 1710. NATIONAL BREAST CANCER COMMISSION.

"(a) ESTABLISHMENT.—There is established a commission to be known as the 'National Breast Cancer Commission' (in this section referred to as the 'Commission').

"(b) STUDY.—The Commission shall conduct a study on current efforts in both the public and private sectors relating to the prevention, early detection, treatment, education, and research relating to breast cancer.

"(c) REPORT.—Not later than 1 year after the date on which the initial appointments of the members have been completed under subsection (d), the Commission shall submit to the President and the Congress a report containing—

"(1) the results of the study conducted under subsection (b); and

"(2) recommendations relating to such study.

"(d) NUMBER AND APPOINTMENT.—

"(1) APPOINTMENT.—The Commission shall be composed of 15 members as follows:

"(A) 5 members shall be appointed by the President—

"(i) 3 of whom shall be—

"(I) the Secretary of Health and Human Services;

"(II) the Secretary of Veterans Affairs; and

"(III) the Secretary of Defense;

who shall be nonvoting members, except that, in the case of a tie vote by the Commission, the Secretary of Health and Human Services shall be a voting member; and

"(ii) 2 of whom shall be selected from the general public on the basis of such individuals being specially qualified to serve on the Commission by reason of their education, training, or experience.

"(B) 5 members shall be appointed by the Speaker of the House of Representatives on the joint recommendation of the Majority and Minority Leaders of the House of Representatives.

"(C) 5 members shall be appointed by the President pro tempore of the Senate on the joint recommendation of the Majority and Minority Leaders of the Senate.

"(2) CONGRESSIONAL COMMITTEE RECOMMENDATIONS.—In making appointments under subparagraphs (B) and (C) of paragraph (1), the Majority and Minority leaders of the House of Representatives and the Senate shall duly consider the recommendations of the Chairmen and Ranking Minority Members of committees with jurisdiction over laws contained in chapter 17 of title 38, United States Code (relating to veterans' health care), title XIX of the Social Security Act (42 U.S.C. 1901 et seq.) (relating to Medicaid), and the Public Health Service Act (42 U.S.C. 201 et seq.) (relating to the Public Health Service).

"(3) REQUIREMENTS OF APPOINTMENTS.—The Majority and Minority leaders of the Senate and the House of Representatives shall—

"(A) select individuals who are specially qualified to serve on the Commission by reason of their education, training, or experience; and

"(B) engage in consultations for the purpose of ensuring that the expertise of the 10 members appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate shall provide as much of a balance as possible and, to the greatest extent

possible, cover the fields of medicine, science, law, ethics, health-care and social services.

"(4) TERM OF MEMBERS.—Members of the Commission (other than members appointed under paragraph (1)(A)(i)) shall serve for the life of the Commission.

"(5) VACANCY.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made.

"(e) CHAIRMAN.—Not later than 15 days after the members of the Commission are appointed, such members shall select a Chairman from among the members of the Commission.

"(f) QUORUM.—7 members of the Commission shall constitute a quorum, but a lesser number may be authorized by the Commission to conduct hearings.

"(g) MEETINGS.—The Commission shall hold its 1st meeting on a date specified by the Chairman. After the initial meeting, the Commission shall meet at the call of the Chairman or a majority of its members, but shall meet at least 3 times each year during the life of the Commission.

"(h) PAY.—Members of the Commission who are officers or employees or elected officials of a government en-

tity shall receive no additional compensation by reason of their service on the Commission.

"(i) PER DIEM.—While away from their homes or regular places of business in the performance of duties for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

"(j) DEADLINE FOR APPOINTMENT.—The members of the Commission shall be appointed not later than 60 days after the date of the enactment of this section.

"(k) TERMINATION.—The Commission shall cease to exist 60 days after the date on which its final report is submitted under subsection (c).".

TITLE II—DUTIES OF DIRECTOR OF THE NATIONAL CANCER INSTITUTE RELATING TO BREAST CANCER

SEC. 201. PROVISIONS FOR FULL FUNDING FOR NATIONAL CANCER INSTITUTE WITH RESPECT TO RESEARCH ON BREAST CANCER.

Section 408(a)(1) of the Public Health Service Act (42 U.S.C. 284c(a)(1)) is amended by adding at the end the following subparagraph:

"(C) For the purpose of conducting and supporting research on breast cancer through the National Cancer Institute, there is authorized to be appropriated for fiscal year 1994 an amount equal to the sum of $300,000,000 and the amount obligated by such Institute for such research for fiscal year 1993. For such purpose, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 202. DUTIES OF DIRECTOR.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

"SEC. 417. DUTIES OF DIRECTOR OF THE INSTITUTE RELATING TO BREAST CANCER RESEARCH.

"(a) The Director of the Institute shall conduct and support biomedical and behavioral research and research training, the dissemination of health information, and other programs with respect to breast cancer.

"(b) In carrying out subsection (a), the Director of the Institute shall conduct or support multidisciplinary clinical research on breast cancer, including research on assisting individuals with such cancers (and the families of such individuals) and with responding to psychological and social problems that arise as the result of the cancer.

"(c)(1) The Director of the Institute shall establish the Rose Kushner Scholarship Program for the purpose of entering into contracts with individuals under which—

"(A) the Director of the Institute agrees to provide to the individuals scholarships for attendance at accredited health professions schools; and

"(B) the individuals agree—

"(i) to complete the programs of education for which the scholarships are provided;

"(ii) to complete a program of post-graduate clinical training in oncology; and

"(iii) after completing a program of such training, to serve as employees of the National Institutes of Health, for the period described in paragraph (2), in positions that are needed by such Institutes in carrying out programs with respect to breast cancer.

"(2)(A) For purposes of paragraph (1)(B)(iii), the period of service for which an individual is obligated to serve as an employee of the National Institutes of Health is 12 months for each academic year for which the scholarship under such subsection is provided.

"(B) The Director of the Institute may defer the obligation of an individual to provide a period of service under

paragraph (1)(B)(iii), if the Director determines that such a deferral is appropriate.

"(C) For any period in which an individual provides service as an employee of the National Institutes of Health in satisfaction of the obligation of the individual under paragraph (1)(B)(iii), the individual may be appointed as such an employee without regard to the provisions of title 5, United States Code, relating to appointment and compensation.

"(3)(A) The Director of the Institute may not provide a scholarship under paragraph (1) for an academic year unless—

"(i) the individual applying for the scholarship has submitted to the Director a proposed academic program for the year and the Director has approved the program; and

"(ii) the individual agrees that the program will not be altered without the approval of the Director.

"(B) The Director of the Institute may not provide a scholarship under paragraph (1) for an academic year unless the individual applying for the scholarship agrees to maintain an acceptable level of academic standing, as determined by the educational institution involved in accordance with regulations issued by the Secretary.

"(4)(A) The Director of the Institute may not provide a scholarship under paragraph (1) for an academic year in an amount exceeding $10,000.

"(B) A scholarship provided under paragraph (1) may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred while attending the health professions school involved.

"(C) In the case of a health professions school with respect to which a scholarship under paragraph (1) is provided, the Director of the Institute may enter into a contract with the school under which the amounts provided in the scholarship for tuition and other educational expenses are paid directly to the school. Payments to the school under the contract may be made without regard to section 3324 of title 31, United States Code.

"(5) The provisions of section 338E shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(6) The Director of the Institute may not provide a scholarship under paragraph (1) unless an application for the scholarship is submitted to the Director and the application is in such form, is made in such manner, and

contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(d)(1) The Director of the Institute shall, subject to paragraph (2), carry out a program of entering into contracts with appropriately qualified health professionals under which the professionals agree to carry out activities with respect to breast cancer as employees of the National Institutes of Health in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of the professionals.

"(2) The Director of the Institute may not enter into a contract with a health professional pursuant to paragraph (1) unless the professional has a substantial amount of educational loans relative to income.

"(3) Except to the extent inconsistent with this section, 338E shall apply to the program established in paragraph (1) to the same extent and in the same manner as such section applies to the National Health Service Corps Loan Repayment Program established in section 338B.".

SEC. 203. SPECIALIZED PROGRAMS OF RESEARCH EXCELLENCE WITH RESPECT TO BREAST, LUNG, AND PROSTATE CANCER.

Section 408(a)(1) of the Public Health Service Act, as amended by section 201, is amended by adding at the end the following subparagraph:

"(D)(i) For the purpose of carrying out not less than 10 programs for research on breast cancer, lung cancer, or prostate cancer under the programs designated by the Director of the National Cancer Institute as the Specialized Programs of Research Excellence, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(ii) With respect to the purpose described in clause (i), the authorizations of appropriations established in such clause may not be construed as terminating the availability for such purpose of any other authorization of appropriations (including the authorization established in subparagraph (A).".

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